

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO: 5:09-CR-00269-BR
NO: 5:11-CV-113-BR

JESUS TORRES-AGUIRRE,
Petitioner,

v.

UNITED STATES OF AMERICA
Respondent.

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ORDER

This matter is before the court on petitioner's 28 U.S.C. § 2255 motion. As the court directed, the government filed a response to the motion on 19 May 2011. To enable petitioner to file a notice of appeal (which he claims that he directed trial counsel to do), the government requests that the court re-enter petitioner's judgment. The Clerk is DIRECTED to vacate the judgment entered 17 May 2010. Contemporaneously herewith the Clerk is DIRECTED to re-enter that judgment for the purpose of allowing the filing of a timely notice of appeal. The Clerk is DIRECTED to file a notice of appeal on petitioner's behalf. The 28 U.S.C. § 2255 motion is DISMISSED WITHOUT PREJUDICE as it is moot.

This 17 June 2011.



W. Earl Britt
Senior U.S. District Judge